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ABSTRACT

Because the paradigm for delivery of higher education is shifting so markedly in the distance learning environment, accreditors and licensure authorities will face new challenges in determining what constitutes quality education. Standards that have traditionally quantified inputs are slowly being altered to measure student learning outcomes. Knowing where, when, and how to alter standards is not always easy. Accreditors and licensing authorities have had little time to prepare for changes or to define what constitutes good practices and standards when examining distance learning programs. However, it is imperative that they begin to work together immediately to create a quality assurance system that is relevant to new learning environments and protective of the public's interest. This chapter first explores basic definitions of distance learning, accreditation and licensure, and outcomes assessment. It then addresses the question of how accreditation and licensure of educational programs will have to change. It also provides the following recommendations to insure that accreditation remains relevant: (1) review and rewrite accreditation standards to make them outcomes versus inputs oriented; (2) educate the public on what questions are being asked to evaluate quality educational offerings in the new learning paradigm; and (3) reduce duplication of effort of educational programs by encouraging cooperation between and among accrediting agencies and licensing authorities. (Contains 25 references.) (MKA)

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Understanding the Implications of Distance Learning for Accreditation and Licensure of Counselor Preparation Programs

Carol L. Bobby and Lucien Capone III

Despite the recent flurry of activity and attention given to distance learning, the concept itself is not new. Traditional correspondence and home-study courses have been used worldwide for years. The United States military has been particularly active in making distance learning accessible to men and women in uniform for decades through the Defense Activity for Nontraditional Education Support, better known as DANTES (http://voled.doded.mil/dantes/dl/). The U.S. Navy has experimented with floating college degree programs, which include on-board instructors as well as courses beamed to ships in remote parts of the world by satellite. Nor is the idea of accreditation and licensure of distance learning a new concept. For example, the Distance Education and Training Council (DETC) (1998), formerly called the National Home Study Council, has been in operation since 1926. The primary change has been in the technology for delivery of distance education courses and programs. Television, computers, and the World Wide Web have made distance learning far more accessible to a broader market of potential consumers of postsecondary education. Additionally, the demographic profile of higher education students has changed dramatically in the last decade with a growing percentage of nontraditional students, that is, students coming back to college

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after spending time in the workforce rather than straight out of high school. Distance education is attractive to these students because of the increased flexibility it offers for scheduling study sessions around job obligations. A recent study prepared by the Institute for Higher Education Policy (Phipps, Wellman, & Merisotis, 1998) reports that an estimated 753,640 students enrolled in distance education courses in academic year 1994–95.

As institutions of higher education scramble to compete for these students, accreditation and licensure issues are becoming more conspicuous. The distance learning phenomenon is causing a major shift in the paradigms of how higher education is delivered to students, how students interact with faculty and with each other, how learning occurs and is measured, how faculty are assessed, and how education is funded. As a measure of quality in higher education, accreditation standards that have been built around the traditional classroom paradigm for delivery of higher education must shift radically to accommodate the use of new distance learning technologies. Furthermore, the movement from teacher-centered to learner-centered environments results in a need for the accreditation and licensure paradigms to be reevaluated in order to (1) remain relevant, (2) carry out their original functions of accountability, quality assurance, and consumer protection, and (3) not impede the development of distance learning programs.

This chapter first explores basic definitions of distance learning, accreditation and licensure, and outcomes assessment. It then addresses the question of how accreditation and licensure of educational programs will have to change to insure quality in both traditional and distance learning environments, discusses how the law may impact that change, and provides recommendations to insure that accreditation remains relevant.

WHAT IS DISTANCE LEARNING?

There are nearly as many definitions of distance learning as there are organizations that work with the concept. For example, the United States Distance Learning Association (1999) has defined distance learning as the "acquisition of knowledge and skills through mediated information and instruction, encompassing all technologies and other forms of learning at a distance."

According to Virginia Steiner (1995) of the Distance Learning Resource Network (DLRN), "Distance education is instructional delivery that does not constrain the student to be physically present in the same location as the instructor. Historically, distance education meant correspondence study. Today, audio, video, and computer technologies are more common delivery modes."

Perhaps the most comprehensive definition is the one given by the University of Idaho Engineering Outreach staff (1995) in their *Guide to Distance Education at a Glance*:

> What is distance education? At its most basic level, distance education takes place when a teacher and student(s) are separated by physical distance, and technology (i.e., voice, video, data, and print), often in concert with face-to-face communication, is used to bridge the instructional gap.

The two key concepts that seem to be common to all of these definitions are (1) physical separation of the student from the content provider by either place or time (also referred to as *asynchronous teaching*) and (2) a delivery system. Part of the problem with current discussion regarding distance learning is a tendency to focus too narrowly on the delivery system due to the glitz and glamour of computer-mediated technologies. At least for accreditation and licensure purposes, the focus should be on content and outcomes. The primary importance of the delivery system is the extent to which it facilitates or impedes the transfer of knowledge and the development of skills.

Just as there are a number of different definitions of distance learning, there are also a number of different terms used to describe the concept. Distance learning is variously referred to in terms such as *distance education, distributed education,* and *computer-mediated learning*. To some extent these are just differences in semantics and the terms are often used interchangeably. However, each term has a slightly different focus of emphasis. *Distance education* places stress on the delivery system. *Distance learning* focuses on the student and is more outcomes-oriented. Or, in the words of Virginia Steiner (1995), "Distance learning is the result of distance education." These are critical differences for accreditation and licensure purposes because they drive the

formulation of standards along with design of the methods and instruments used to measure the extent to which a program meets those standards.

The administrative structures that are engaged in the creation, procuring, and delivery of distance learning are as varied as the definitions and terms used to describe it. Those structures can generally be grouped into three broad categories. The first category is composed of traditional colleges and universities that offer their own courses or degree programs through distance learning technologies. The second category might be called *virtual universities* in that they have no physical campus or classroom facilities but consist primarily of administrative offices and computer rooms. These virtual universities are content providers in that they own or contract for the creation of a set of courses, which are then provided by the virtual university to its students. The Jones International University, the first accredited cyberuniversity (http://www.jonesinternational.edu), is a good example of this second type. The third category might be called *brokerage agencies* in that they do not create or own the course content, but rather locate it for their students (Goldstein, 1991). Brokerage agencies may help the student design a program by drawing upon courses from several different sources. The brokerage agency may actually grant a degree to the student who has successfully completed the program of study. Western Governors University (WGU) is the prime example of this third type. WGU (http://www.wgu.edu/wgu/index.html) advertises itself as a "competency" rather than a clock-hour based institution in that it will "certify competency [for degree granting purposes] on the basis of assessment of what learners know and are able to do, not on the basis of a learner's accumulation of credit hours from prior learning."

ACCREDITATION AND LICENSURE

At its heart, accreditation is a quality assurance process. Additionally, to the extent that someone is paying for education, be it the student, taxpayers, or donors, accreditation performs a critical role in providing public accountability. In a very real sense, it is higher education's counterpart to consumer protection regulations. However, unlike consumer protection regulations, which are externally imposed upon business entities, accreditation is generally

viewed as a self-regulatory process involving a cooperative effort between the institution and the accrediting body. The process typically begins with a self-study using the accrediting body's standards as a guide, followed by a team visit and then a judgment by the accrediting body about the extent to which the institution has met the standards. The self-study is often an educational process in and of itself as the institution learns about itself in a systematic fashion and, ideally, voluntarily undertakes corrective action where deficiencies are noted. The accrediting body's team of visitors, and the accrediting body itself, not only review the institution's compliance with standards but also often will make recommendations for improvement. In the words of the Council for Higher Education Administration (CHEA) ("What Is," 1996), "Accreditation in higher education is a collegial process based on self and peer assessment for public accountability and improvement of academic quality." Accreditation may either apply to an entire institution or may focus upon a particular academic program such as law, counselor education, engineering, and other professional preparation programs. Institutional accreditation is comprehensive and typically encompasses governance, financial status, student services, learning, and achievement. Professional or specialized accreditation has traditionally focused upon the ability of an academic program to train competent professionals.

Licensure of educational institutions and programs (versus licensure of individuals) is usually conducted through legislative mandate on a state-by-state basis. There is nothing collegial about it. At its best, licensure serves to protect the public from fly-by-night educational programs that have not gone through a legitimate accreditation process. At its worst, licensure serves an anticompetitive purpose by keeping outsiders away from the state institutions' market. Although licensing laws prescribe "standards," these differ from accreditation standards in that they are less outcome oriented and more focused on amenability to legal process, fiscal accountability, and compliance with state and federal law.

The lines between accreditation and licensure have become somewhat blurred because many licensing laws may require accreditation by a recognized accrediting body as a condition of licensure. Additionally many governmental bodies that provide financial

aid to students and grants to institutions set accreditation as a condition for receipt of funds. For example, see *Chicago School of Automatic Transmission, Inc. v. Accreditation Alliance of Career Schools & Colleges* (1994); and 20 U.S.C. § 1141(a)(5) (1999).

INPUTS VERSUS OUTCOMES ASSESSMENT

Accreditation standards have traditionally evaluated identifiable physical facilities, faculty-to-student ratios, library holdings, support staff, and budgets as well as course syllabi, faculty credentials, history of graduates, and the like. These types of standards are sometimes collectively referred to as *inputs assessment* and tend to measure the capacity of an institution or program to carry out its educational mission. A movement began in the 1980s among some accreditors to shift from inputs assessment to *outcomes assessment* standards that evaluate the success of the institution or program in accomplishing that mission, that is, how well the institution or program does in transferring knowledge and skills to it students.

There has been resistance to this shift for a number of reasons, however, and progress has been tortuous at best. First, it is harder to do. It is much easier to count the number of faculty, the number of clock hours, and review budget figures than it is to determine if those inputs are leading to successful outcomes. Second, some view inputs standards as vehicles for protecting faculty lines, workloads, and resources—a position that at least annoys, if not infuriates, higher education administrators. Third, outcomes assessment has been viewed as the province of agencies that certify or license individuals to practice. But these objections are based on an unnecessarily narrow view of outcomes assessment that, if done correctly, can perform the critical function of letting an institution or program know whether changes are needed in the inputs. Additionally, there is growing pressure from the U.S. Department of Education (1997) and the Council for Higher Education Accreditation (1998), the nongovernmental body that recognizes accrediting agencies, to require the validation of standards in terms of relevancy to outcomes. Ironically, the Department of Education's own regulations defining the criteria for recognizing accreditation agencies are highly proscriptive and inputs oriented. However, in fairness to the Department of Education, much of what appears in the

regulations is required by Congress' enabling legislation (20 U.S.C. § 1099b). Further, as will be discussed in the next section, distance learning defies the application of many traditional input assessment standards, and is likely to drive accreditors in the direction of outcomes assessment.

A good example of the kind of outcomes assessment standards referred to may be found in Section VI of the Council for Accreditation of Counseling and Related Educational Programs (CACREP) standards (CACREP, 1994). Standard VI.A. requires that

> Program objectives are reviewed and revised through self-study on a regular schedule based on student learning outcomes with input from program faculty, current and former students, and personnel in cooperating agencies, and are developed in accord with pertinent professional organization positions and perspectives.

And Standard VI.C. requires that

> Programs must be evaluated at least every 3 years. The formal evaluation [must] include, but not be limited to, the following:
>
> 1. review by program faculty of programs and specializations, curricular offerings, professional trends, and types of students seeking admission;
> 2. follow-up studies of graduates of the program to assess their perceptions and evaluations of the major aspects of the program; and
> 3. assessment of perceptions about the program among employers of program graduates, field placement supervisors, and personnel in cooperating and associated agencies.

Another good example of outcomes-based standards can be found in the August 1998 accreditation standards of the Commission on Collegiate Nursing Education (CCNE). The standards begin by requiring the applicant to demonstrate that "the mission, philosophy, and goals/objectives of the program [are] congruent with those of the parent institution, . . . reflect professional nursing standards and guidelines, and . . . consider the needs and expecta-

tions of the community of interest." Once that mission is determined, other standards are tied to demonstrating how the defined goals and objectives are being met. For example, Standard IV requires that the program provide evidence that it

> is effective in fulfilling its mission, philosophy, goals/objectives, and expected results. Satisfactory student performance [must] reflect achievement of the expected results by the students in congruence with the mission, philosophy, and goals/objectives of the program as well as with professional nursing standards and guidelines. Alumni satisfaction and the accomplishments of graduates of the program [must also] attest to the effectiveness of the program. Faculty accomplishments in teaching, scholarship, service, and practice are congruent with the mission, philosophy, and goals/objectives of the program and with professional nursing standards and guidelines. Program effectiveness reflects ongoing improvement.

Specifically, the program must accomplish the following:

1. Describe how faculty and students are involved in the evaluation of individual student performance. Describe how the evaluation of student performance is communicated to the students and how it is used to foster improved performance.
2. Demonstrate how the results of aggregate student performance are used to change or improve the curriculum.
3. Describe the student and graduate performance measures that are utilized by the program to indicate success in meeting the program mission, philosophy, and goals/objectives.
4. Describe the process for evaluating faculty performance in teaching, scholarship, service, and practice. Describe how the results of evaluations are communicated to individual faculty members and, in an aggregate sense, how they are used to foster ongoing improvement.
5. Provide evidence that professional growth and development are supported by the program and parent institution so that faculty can be expected to contribute effectively to the mission, philosophy, and goals/objectives of the program.

6. Describe how alumni, employers, and graduates evaluate the program and explain how results are used to improve the program.
7. Describe the process of the review and maintenance of records of student satisfaction and formal complaints.

THE IMPLICATIONS OF DISTANCE LEARNING FOR ACCREDITATION AND LICENSURE

Accreditation

Distance learning stands the traditional accreditation paradigm of inputs assessment on its head. For example, one of the three critical steps in most accreditation processes is the site visit; however, in the case of a virtual university, there is no site to visit unless the accreditor wants to look at a few office spaces full of humming and whirring computer disk drives. Faculty-to-student ratios may have little meaning when any number of students can pursue an on-line course free of time and place constraints. There also may be no library to visit if access is provided either to computerized databases or to a number of libraries in different locations by way of the Internet.

Because the traditional classroom delivery of higher education is no longer the only way that learning opportunities are provided to students, accreditors can no longer rely solely on input standards to measure quality. Accreditors must ask questions regarding what constitutes quality education when learning occurs via alternative delivery methods. Then they must review their existing standards against these questions and, if necessary, revise the standards to insure quality within the new learning paradigm. Such questions include the following:

- First and foremost, what is being accredited? Is it an institution, a program of study, a delivery system, or something else?
- Who are the faculty? (This may not be an easy question to answer because distance learning courses are more and more frequently being created by teams of experts in multiple fields and disciplines.)
- Who are the students?
- How are transfer credits to be handled?

- How do students interact with faculty, and what is the appropriate response time?
- What instructional designs best fit with the mode of education delivery being offered by the program?
- How is student advising conducted?
- How are students and student progress evaluated?
- How are labs and clinics conducted?
- How are student services and financial aid provided?
- What faculty qualifications are desired when education is delivered at a distance?
- What types of support are provided to faculty to engage in distance learning activities?
- What library facilities are available?
- Is the delivery system accessible to disabled students?
- How is security assured in terms of privacy of student data, verification of student identity, and protection of intellectual property?

Once the fundamental questions have been answered, standards should be examined to determine if they adequately assess the appropriate factors in a way that does not constrain innovation in the development and implementation of delivery systems. For example, rather than requiring a set faculty-to-student ratio, the standard might require the institution to "Provide [a] rationale to support the adequacy of number and qualifications of faculty to accomplish the mission, philosophy, goals/objectives, and expected results of the program" (CCNE, 1998).

In revising its standards, the Council for Accreditation of Counseling and Related Educational Programs has asked questions such as those just listed. Each one of current 1994 standards has been examined to determine if it impedes programs from incorporating distance learning technologies. As a result of this review, CACREP has determined that some of its standards require revision. For example, CACREP has asked itself whether a library with set hours of operation is an appropriate measure of quality. The committee recommending revisions has suggested that revised wording of the standards should instead determine if there is appropriate access to information and services, regardless of mode. Furthermore,

CACREP is considering a much heavier emphasis on standards relating to program mission and objectives along with program requirements to regularly and systematically assess and evaluate how well the mission and objectives are being met. One recommended revision to the CACREP standards is that programs be required to submit a report showing how the results of evaluations are being used for necessary program modifications. In addition, the standards revision process has affirmed the need for the CACREP standards to be a single set of standards for all types of program delivery. CACREP has decided that standards as measures of quality should not be differentially defined according to varying educational delivery modes.

Licensure and Regulation

The regulation of higher education is a prerogative that has been reserved to the states since the formation of the nation (Goldstein, 1998). As a result, there are at least 51 different regulatory schemes (including the District of Columbia's) with which a distance learning program may have to contend just to operate within the United States alone. In addition, the federal government imposes a huge number of regulatory requirements on postsecondary education programs that receive federal funds or award federal financial aid to students. This multiplicity of regulations presents a number of difficult and perilous problems for distance learning programs desiring to offer courses across jurisdictional lines. Identification of the applicable regulations, time and effort that must be devoted to the application process, payment of multiple fees, and periodic audits and reporting to each jurisdiction are just a few of the more salient obstacles that must be overcome (Western Governors Association Design Team, 1996).

Simply getting to first base, that is, identifying a state's regulations, is a daunting task. First, most states make no mention of distance learning in their regulations. Reference must be had to broader statutes or rules governing out-of-state or nonpublic educational institutions. Second, some states have a very formal set of statutes (e.g., the North Carolina Higher Education Act, 1999) or regulations, while others opt for a simple delegation of authority to a board or commission (e.g., the Kentucky Higher Education Act, 1999).

Even after the relevant set of regulations has been identified, it is by no means clear that those regulations will actually apply to a given distance learning program. The majority of states take the position that the institution must have some physical presence within the state before the requirements come into play. But the definition of *physical presence* varies widely. Many states exercise jurisdiction only if there are live bodies in the form of faculty or administrative personnel operating within the state (Goldstein, 1998). Others exercise jurisdiction if the institution grants academic credentials to residents within the state. A few, such as Georgia, attempt to exercise jurisdiction if instruction is given to state residents "whether such instruction . . . [is] provided in person or by correspondence or by telecommunications or electronic media . . ." (Georgia Postsecondary Education Act, 1999). However, such an expansive approach to regulatory jurisdiction raises interesting questions under the Due Process and Interstate Commerce Clauses of the United States Constitution that are beyond the scope of this chapter. For example, see *Cybersell, Inc. v. Cybersell, Inc.* (1997) and *Thompson v. Handa-Lopez, Inc.* (1998) for cases reaching opposite conclusions about whether posting advertisements or material on a web site in one state creates "sufficient minimum contacts" to legally justify the assertion of jurisdiction over the author by another state whose citizens access that web site.

The scope of regulation varies just as much, ranging from simple registration of the institution and its programs at the low end to requiring that highly specific standards be addressed and a complex application process be completed at the other. An example of the latter is Florida, which requires a four-step process beginning with temporary licensure, moving to "provisional level one," to "provisional," and finally to "regular" licensure. Temporary licensure is an enforced period of planning during which an institution may not recruit, advertise, or conduct any educational business. At the provisional one level the institution may begin accepting students and offering courses, but may not offer degrees. At the provisional level, degrees may be granted. In order to receive regular licensure the institution must have shown a "history of stability." This process may take more than a year to complete and may cost nearly $12,000 for fees alone. Thereafter there is an annual review. The materials sent

to this chapter's authors from Florida were nearly an inch thick and were accompanied by a letter stating that

> There are two licensing boards for private postsecondary education in Florida. If you plan to give an Associate of Arts, an Associate of Science, or higher degree, you will have to be licensed by [the State Board of Independent Colleges and Universities]. If you plan to offer only a specialized associate degree, or a diploma or certificate, you will have to be licensed by the State Board of Independent Postsecondary, Vocational, Technical, Trade, and Business Schools. If you plan to offer both types of credentials, you will have to be licensed *by both boards*.

Licensing requirements such as Florida's can only increase the cost of the programs—a cost that will undoubtedly be passed on to consumers, that is, the students.

Another problem posed by licensing laws for distance learning programs is the potential that they will be misused for anticompetitive purposes or to further peripheral agendas. An example of this appeared in *The Chronicle of Higher Education* in an article headlined, "N.J. Professors Seek to Stymie Expansion Plans of U. of Phoenix" (1998). Several faculty representatives attended a meeting of the New Jersey Commission on Higher Education demanding that the state block licensure for the University of Phoenix and "expose [it] for what it is."

Concerns about inconsistent, duplicative, and costly licensing requirements led the Western Governors Association to identify state policies on institutional licensure and authorization as one of the most significant barriers to setting up the WGU (Western Governors Association Design Team, 1996). Accreditation could provide a particularly valuable service in reducing these regulatory burdens if licensing agencies were willing to accept accreditation as satisfaction of most currently existing licensing requirements. For example, the Texas Education Code (1999) has specifically exempted institutions that are "fully accredited" by a "recognized accrediting agency" such as the Southern Association of Colleges and Schools (SACS). This approach could pare down those requirements to such things as providing the address of a registered agent

for service of process, proof of insurance, and other such legal needs to ensure adequate legal and public accountability.

The downside of this approach is that it transfers a great deal of authority to accreditors who are already being accused of heavy-handedness by many higher education administrators. Additionally, although state governments are exempt from federal antitrust laws, accreditors are not (*Massachusetts School of Law at Andover, Inc. v. American Bar Association*, 1997). As regional and specialized accreditors come together to "standardize" their standards and enter into cooperative agreements to reduce the duplication of efforts, the threat of antitrust challenges increases. However, if distance learning is to thrive, rather than be crushed by the weight of multiple accreditation and licensure requirements, a cooperative approach must be the answer. A model already exists in the Inter-Regional Accrediting Commission (IRAC), an organization formed by four regional accreditors in cooperation with the Western Governors Association (http://www.westgov.org) with the purpose of coordinating standards and avoiding the necessity of duplicative self-studies for programs crossing regional accreditation boundaries.

RECOMMENDATIONS

Although many challenges have been created by the onslaught of distance learning technologies and environments, the historical reason for developing systems of accreditation and licensing in the United States has not changed. In fact, the need for these systems is as great today as ever. That need focuses on having quality assurance systems that can provide information to the public to keep them from being duped by fly-by-night diploma mills. With that need still in place, accreditors should be empowered to think creatively, as well as cooperatively, so that their standards and processes not only remain relevant in the new world but also will foster the development of quality distance learning programs.

There are three major recommendations that can be made to insure that accreditation remains relevant and insures quality as distance learning environments become more common.

1. **Review and rewrite accreditation standards to make them outcomes versus inputs oriented.** Accreditors should

conduct a comprehensive review to determine whether their standards may unnecessarily impede innovation in the design and implementation of nontraditional delivery systems. Where possible, standards should be written with a view to determining outcomes rather than inputs. Institutions and programs should be encouraged to define their mission and to create ways of assessing mission accomplishment. Accreditors should gear standards toward determining that multiple assessment tools are being used by institutions to measure mission accomplishment, and that the feedback from those assessment tools is not being ignored but is being used to make appropriate changes and improvements in program content and delivery.

2. **Educate the public on what questions are being asked to evaluate quality educational offerings in the new learning paradigm.** As the Internet makes it easier for fraudulent diploma mills to prey on the public (Guernsey, 1997), accreditors must recognize that the ever-increasing demand for information is not going to go away. Accreditors have a responsibility to educate the public about their standards and quality assurance processes. The public should know what questions the accreditors are asking to insure quality as well as be informed on questions they should be asking.
3. **Reduce duplication of effort by educational programs by encouraging cooperation and collaboration between and among accrediting agencies and licensing authorities.** Accreditors and licensing agencies should be encouraged to cooperate for the purpose of reducing duplication of effort by educational programs that cut across regional or programmatic boundaries. Licensing laws could be rewritten to allow satisfaction of most requirements other than those relating to assurances of legal responsibility by providing evidence of accreditation from the appropriate nationally recognized accreditors.

CONCLUSION

Because the paradigm for delivery of higher education is shifting so markedly in the distance learning environment, accreditors and licensure authorities will face new challenges in determining what constitutes quality education. Standards that have traditionally

quantified inputs are slowly being altered to measure student learning outcomes. Knowing where, when, and how to alter standards is not always easy. Accreditors and licensing authorities have had little time to prepare for changes or to define what constitutes good practices and standards when examining distance learning programs. However, it is imperative that accreditors and licensing authorities begin to work together immediately to create a quality assurance system that is relevant to new learning environments and protective of the public's interest.

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